

# BEAVERTON POLICE DEPARTMENT

# GENERAL ORDER

NUMBER: 9.25.00  
SUBJECT: TOWING, IMPOUND, AND RELEASING OF VEHICLES  
EFFECTIVE: MAY 23, 2008  
REVIEW: MAY 2010, 2012, 2014, 2016, 2018

1. PURPOSE. The Beaverton City Code authorizes the department to tow certain vehicles found in violation of the Beaverton Uniform Traffic Ordinance and the Vehicle Impoundment Ordinance. These vehicles include, but are not limited to, abandoned vehicles, hazardous vehicles, and immobilized vehicles. The purpose of this general order is to establish procedures for the towing and releasing of vehicles.

2. POLICY. It is the policy of the department that the procedures set forth in the Beaverton Uniform Traffic Ordinance, BC 6.02.010 - .900, and the Vehicle Impoundment Ordinance, BC 6.05.005 - .150 (Appendices A and B of this order), shall be followed for the towing and releasing of vehicles covered by those ordinances, and conducting hearings on vehicles towed pursuant to those ordinances.

### 3. PROCEDURE FOR IMPOUNDING VEHICLES UNDER THE CITY CODE.

- A. A vehicle impounded at the request of a member of this department shall be taken to the towing company storage lot, unless the vehicle requires special processing or security as determined by the on duty supervisor, at which time the vehicle may be towed to the city storage facility.
- B. The department member who impounds the vehicle shall complete the vehicle section of an Incident or Custody report.
- C. The initiating officer shall cause Records personnel to enter the towed vehicle information into LEDS, stating the reason for the tow. Records personnel will complete a tow card if the vehicle is being held for investigative purposes.
- D. For abandoned vehicles, the following shall also apply:
  - 1) Officers who discover possible abandoned vehicles shall post a Towing and Impound Notice on the vehicle. Officers will complete an Abandoned Auto Worksheet, insuring that all LEDS related information is obtained. The worksheet shall be forwarded to Code Services personnel.

- 2) Once notified of the possible existence of an abandoned auto, Code Services shall be primarily responsible for processing the case.
  - 3) Code Services shall follow the requirements of the City's Vehicle Impoundment Ordinance in processing abandoned vehicles.
4. STATUTORY IMPOUNDS.
  - A. Oregon Revised Statutes authorize the department to tow vehicles cited for violation of ORS 806.010 Driving Uninsured; ORS 813.010 Driving Under the Influence of Intoxicants; ORS 807.010 Driving Without Privileges or Driving in Violation of License Restrictions; or ORS 811.175 or 811.182 Driving While Suspended or Revoked.
  - B. It is the policy of the department that the procedures set forth in ORS 809.715 to .725 (Appendix C) shall be followed when those statutes provide the authority for an officer to impound a vehicle. The department may provide members with a form to effectuate these state statutes.
5. INVENTORY OF VEHICLES.
  - A. All vehicles lawfully impounded by the department shall be subject to the city's Vehicle Inventory Ordinance.
  - B. The purpose of the inventory is threefold:
    - 1) To protect private property while in police custody;
    - 2) To reduce or prevent the assertion of false claims for lost or stolen property; and,
    - 3) To protect people and property from any hazardous condition or instrumentality that may be associated with the vehicle.
  - C. The inventory of property in a vehicle is not a search for evidence of criminal activity. Items should be scrutinized only to the extent necessary to complete an accurate inventory list. The Vehicle Inventory List shall be completed and made a part of the appropriate report.
  - D. It is the policy of the department that the procedures set forth in the Vehicle Inventory Ordinance, BC 6.05.200 - .240 (Appendix D) shall be followed for vehicles subject to an inventory.
  - E. If during the inventory, the officer discovers valuable or dangerous property, the officer will release the property to the occupant that the officer reasonably determines may rightfully possess it. The officer will record on the inventory form the names of the persons he released each item of valuable or dangerous property.

- F. If the officer cannot determine the owner of the valuable or dangerous property, then the officer shall seize the property for safekeeping, give the controller of the vehicle a property receipt, and log the property into the property room.
  - G. Members may seize contraband or evidence of criminal activity discovered during the inventory.
6. INVESTIGATIVE HOLD. An officer may place an investigative hold on a vehicle legally seized when additional investigation necessitates its retention.
- A. An investigative hold shall expire in 72 hours, excluding Saturdays, Sundays, and holidays, unless otherwise requested on the vehicle report and tow card.
  - B. The initiating officer shall indicate on the vehicle report the reason and purpose of the investigative hold. The officer shall cause the hold to be lifted as soon as practicable after the purpose for the hold has been fulfilled.
  - C. If a vehicle is held for investigative purposes, or requires special processing, the initiating officer shall notify the investigative unit supervisor of that requirement.
7. VEHICLES TOWED FOR CIVIL FORFEITURE.
- A. Vehicles seized for civil forfeiture may be towed to the contract towing company's storage lot or to city impound. Appropriate notice and copies of notice shall be served or delivered to those people required to receive notice of the seizure of the vehicle.
  - B. If a vehicle seized for civil forfeiture is later returned to its owner, the owner would be responsible for paying all liens for towing and storage unless the Criminal Investigations Division's supervisor authorizes other arrangements.
8. RELEASE OF TOWED VEHICLES. To further implement the procedures for releasing vehicles towed under city ordinance or state statute, the following shall apply:
- A. The release of towed vehicles and removal of vehicle information from the LEDS system shall be the responsibility of the Police Records Division.
  - B. All towing charges on vehicles in police custody at a city owned storage facility will be paid prior to the release of the vehicle.
  - C. A Vehicle Release Form (PD 006) is required prior to the release of any vehicle held at the department's request.
  - D. A copy of the Vehicle Release Form and the tow card shall be placed in the respective case file upon release of a vehicle.

9. HEARING.

A. The procedures for most hearings are found in the appendices of this order. The appendices are as follows:

- 1) Appendix A – Traffic Ordinance, BC 6.02.010 - .900
- 2) Appendix B – Vehicle Impoundment Ordinance, BC 6.05.001 - .150
- 3) Appendix C – ORS 809.716 to .725
- 4) Appendix D – Vehicle Inventory Ordinance, BC 6.05.200 - .235

B. If a hearing is not covered within the appendices in this order, and if a vehicle owner contends that the vehicle was improperly towed or that the owner should not be required to pay towing or storage charges in order to obtain release of a vehicle, the owner shall be informed that he may have a hearing before the Chief of Police or his designee in order to test whether there were reasonable grounds and a basis in fact to tow the vehicle. If a proper factual basis did not exist at the time of the tow, as determined by the Chief of Police or his designee, the department shall release the vehicle without proof of payment and pay the tow bill.

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Chief of Police

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Date

**Appendix A**  
**(BC 6.02.010 to 6.02.900 – Vehicles & Traffic)**

**UNIFORM TRAFFIC ORDINANCE**

(Editorial Note: a series of four asterisks in this document [\*\*\*\*] indicates text that remains in force, but for clarity has not been reproduced for the purposes of this Order.)

**GENERAL PROVISIONS**

**6.02.010 Short Title.**

BC [6.02.010](#) through [6.02.900](#) shall be known and may be cited as the “Beaverton Uniform Traffic Ordinance” and may also be referred to as “this ordinance.” [BC [6.02.010](#), amended by Ordinance No. 4053(1), 8/3/99]

**6.02.030 Definitions.**

A. In addition to those definitions contained in the Oregon Vehicle Code, the following mean:  
Abandoned Vehicle – A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an Abandoned Vehicle under this definition if it remains upon any street or public property for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self propulsion; or
  2. Does not display a current registration plate or a current trip permit; or
  3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located;
- or

4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an Abandoned Vehicle under this definition if it remains upon any street or public property for a period in excess of 24 hours and:

1. The trailer does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or
3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Block – That portion of street frontage on one side of the street between two intersecting streets.

Bus stop – A space on the edge of a street designated by sign for use by buses loading or unloading passengers.

Business district – Any area of the City designated as a commercial district by the Development Code.

Discarded vehicle – A vehicle that is inoperable or not currently licensed. For purposes of this definition a vehicle includes, but is not limited to, the major parts of the vehicle, such as the body, the engine, the transmission or the rear end. [Added by Ordinance No. 3278, 8/17/82; amended by Ordinance No. 4053, 8/3/99]

**Appendix A – Uniform Traffic Ordinance**

Driveway – Any alley or access drive to public or private property from a street. The term driveway shall include all portions of the curb that have been sloped, tapered and/or depressed to accommodate vehicle movement.

Emergency – For purposes of BC [6.02.320](#), a situation where an unforeseen combination of circumstances calls for immediate action in order to avoid damage to a vehicle or where a vehicle was rendered inoperable, but does not include a situation where the vehicle is left standing in excess of 24 hours.

Holiday – New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day designated by the Council to be a holiday.

Loading zone – A space on the edge of a street designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

Mayor – The mayor or the mayor's designee.

Motor vehicle – A vehicle that is self propelled or designed for self propulsion.

Parade – A gathering of at least ten persons or ten vehicles or both traveling more than 100 feet on public streets, sidewalks or alleys for a common purpose of public demonstration.

Police chief – The chief of the police department or the police chief's designee.

Street – Every public way, road, highway thoroughfare and place, including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

Taxicab stand – A space on the edge of a street designated by sign for use by taxicabs.

Traffic lane – That area of the street used for the movement of a single lane of traffic.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a street and includes vehicles that are propelled or powered by any means. [BC [6.02.030](#), amended by Ordinance No. 3971, 1/7/97; amended by Ordinance No. 4053(2), 8/3/99; Ordinance No. 4223(1), 8/19/02]

## **ADMINISTRATION**

### **6.02.100 Powers of the Council.**

Subject to state laws, the Council shall exercise all municipal traffic authority for the City except those powers specifically and expressly delegated herein or by another City ordinance or Code section.

## **GENERAL REGULATIONS**

### **6.02.200 Rules of the Road.**

In addition to state law, the following shall apply to the operation of vehicles upon the streets of the City:

A. The operator of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic, and shall yield the right-of-way to moving traffic and pedestrians.

B. The operator of a vehicle in the traffic lane shall have the right-of-way over an operator of a vehicle departing from a parking space.

C. No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.

D. Where a stop sign is erected at or near the entrance to an intersection, the operator of a vehicle approaching shall bring the vehicle to a stop before crossing a stop line or crosswalk; or, if none, then before entering the intersection. Stopping at a point which does not yield an unobstructed view of traffic on the intersecting street shall not constitute compliance with the requirements of this subsection.

### **Appendix A – Uniform Traffic Ordinance**

**6.02.205 Earphones.**

No person shall operate a motor vehicle or bicycle upon a highway as defined in ORS [481.020](#) while one or both of the person's ears are covered or occupied by headphones or earphones. [BC [6.02.205](#), added by Ordinance No. 3469, 10/8/85]

**6.02.210 Crossing Private Property.**

No operator of a vehicle shall proceed from one street to another street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

**6.02.215 Exhaust Brakes.**

No person shall use a compression braking system in conjunction with the operation of a motor vehicle, except for a person operating an emergency services vehicle (a fire engine or similar apparatus) equipped with a muffled exhaust braking system or except to avoid imminent danger to person or property. Compression braking systems, commonly found on trucks and busses and referred to as "Jake" brakes, convert an internal combustion engine into an air compressor for the purpose of slowing or stopping a vehicle with the use of wheel brakes. [BC [6.02.215](#), added by Ordinance No. 3470, 10/7/85; amended by Ordinance No. 3538, 10/21/86; Ordinance No. 4346, 4/4/05]

**6.02.220 Repealed.**

[BC [6.02.220](#) repealed by Ordinance No. 4258, 7/14/03]

**6.02.230 Rollerskates, Sleds, etc.**

No person shall:

A. Use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

B. Use rollerskates or skateboards on sidewalks in the business district or on any street, except as authorized or except to cross at a crosswalk.

**6.02.240 Damaging Sidewalks and Curbs.**

A. The operator of a motor vehicle shall not drive upon a sidewalk, planter or decorative median strip, or street planting strip except to cross at a permanent or temporary driveway.

B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

**6.02.250 Obstructing Streets.**

A. No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets.

B. No person shall park or stand a motor vehicle in such a manner that it constitutes a hazardous vehicle as defined in BC [6.05.010](#).

C. No person shall park or stand a vehicle upon or obstructing any street or other premises open to the public marked with a curb or surface marking, or posted with a sign, indicating the premises are set aside as a fire lane, fire apparatus access road, or access curb. [BC [6.02.250](#) amended by Ordinance No. 4321, 9/21/04]

**Appendix A – Uniform Traffic Ordinance**

#### **6.02.270 Parks.**

No person shall ride a horse or operate or park a motor vehicle in any place in a City park or any other city-owned property, except on a street, parking area, parking lot or a place designated by signs providing therefor.

#### **6.02.280 Repealed.**

[BC [6.02.280](#) repealed by Ordinance No. 4258, 7/14/03]

#### **6.02.290 Repealed.**

[BC [6.02.290](#) added by Ordinance No. 3620, 6/27/88, repealed by Ordinance No. 4258, 7/14/03]

### **PARKING REGULATIONS**

#### **6.02.300 Method of Parking.**

A. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

B. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction of the nearest lane of travel and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

C. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive the operator of that priority or block the access.

D. Whenever the operator of a vehicle is knowingly parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

#### **6.02.305 Prohibited Parking in Specified Places.**

No person shall stop, stand or park a motor vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal in any of the following places:

A. Within fifty feet of any uncontrolled intersection or any intersection controlled with side-mounted stop signs, side-mounted yield signs, or side-mounted signals, except: 1) on one-way streets leaving an intersection, or 2) on streets otherwise signed, if:

1. the vehicle is over six feet in height, or
2. the vehicle is less than six feet in height, but by manufacture or modification,

obscures the vision of:

- a. any official side-mounted traffic control sign or signal;
- b. intersection traffic; or
- c. any pedestrian in a crosswalk.

Such vehicles described in subsection A2 are inclusive of, but not limited to:

Vehicles with darkened, shaded or curtained windows.

Vehicles modified to eliminate side window(s) and/or rear window(s).

Vehicles with visibility through windows blocked by parcels, packages, or freight.

Pickup vehicles of less than six feet in height but mounted with a canopy or camper with limited visibility through it.

Panel trucks with no side and/or rear window(s).

An "uncontrolled intersection" is one where there are no traffic regulating signs or signals.

#### **Appendix A – Uniform Traffic Ordinance**



#### **6.02.310 Prohibited Parking or Standing.**

No person shall park or stand:

A. A vehicle in violation of state motor vehicle laws or on the public right-of-way in violation of a lawfully erected parking limitation sign.

B. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.

C. A motor truck as defined by the Oregon Vehicle Code on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation.

D. A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized.

E. A vehicle upon a parkway or freeway, except as authorized.

F. Repealed by Ordinance No. 4415.

G. A vehicle for a period in excess of a maximum parking time limit where so designated by sign or other marking. Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

H. Unless otherwise indicated, a vehicle within 20 feet of an intersection except momentarily to pick up or discharge a passenger.

I. Any trailer house, camp trailer, mobile home, auto home, camp car, recreational vehicle, boat, boat trailer, utility trailer, or any other device not primarily intended for the transportation of people, upon any street, such that the device has not moved at least one tenth of a mile within 48 hours.

J. A vehicle on a street or public place or premises open to the public without a license plate or a vehicle with a license plate or temporary licensing permit which is expired for more than one month.

K. A vehicle any place on premises occupied by the city police station that is marked as a place for police parking only.

L. A motor vehicle upon a sidewalk, curb, planting strip or median within the public right-of-way. [BC [6.02.310](#), amended by Ordinance No. 3278, 8/17/82; Ordinance No. 3365, 4/10/84; Ordinance No. 3427, 1/22/85; Ordinance No. 3447, 5/14/85; Ordinance No. 3537, 10/21/86; Ordinance No. 3560, 4/14/87; Ordinance No. 4053(3), 8/3/99; Ordinance No. 4185, 12/17/01; Ordinance No. 4415, 12/11/06]

#### **6.02.320 Prohibited Parking of Vehicles for Vending Purposes.**

No person shall park or leave standing a vehicle on city-owned premises or on a right-of-way of a city highway for the purpose of advertising, selling or offering merchandise for sale, including the vehicle itself, except pursuant to written agreement with the city. [BC [6.02.320](#), amended by Ordinance No. 3890, 3/28/94; Ordinance No. 4258, 7/14/03]

#### **6.02.323 Prohibited Vehicle Camping.**

A. Definitions. For the purposes of this ordinance the following terms have the stated meanings:

1. Commercial structure – A building in which the predominant activity is connected with the sale, rental, or distribution of, or performance of services to, end users of products or services.

2. Commercial parking lot – A parking lot adjacent to a commercial structure, or a lot if not adjacent then within the control of the commercial interest occupying the structure, which lot is privately owned but open to the public.

3. Person in charge – A person, typically employed in a management capacity by the corporate entity which occupies a commercial structure, who is at the time of an offense the most authoritatively in charge person actually present upon commercial premises and is then present in the normal course and scope of employment.

B. Between the hours of 12:00 a.m. and 5:00 a.m., no operator or owner of a trailer house, camp trailer, mobile home, auto home, camp car, recreational vehicle, or similar conveyance for accommodating sleeping people shall park said conveyance tended or untended in a commercial parking lot for a period in excess of 30 minutes.

C. A person in charge of a commercial structure during hours the business is open to the public who believes that it is more likely than not a vehicle has been parked in violation of this section shall do all of the following:

1. Make a reasonable effort under the circumstances to locate the operator of the offending vehicle; and

2. Make a reasonable effort under the circumstances to request that the person cease the offending conduct.

D. A person in charge of a commercial structure who fails to follow the sequence of events listed in subsection (C) of this section commits a violation.

E. This ordinance does not apply upon commercial premises upon which is conducted a wholesale or retail business directly concerning the vehicles listed in subsection (B) of this section. Such businesses include, but are not limited to, sales, service, impound, long-term storage during a period of vehicle non-use, salvage, and cleaning. [BC [6.02.323](#), added by Ordinance No. 4384, 3/6/06]

#### **6.02.325 Prohibited Repair of Vehicle.**

No person shall park or leave standing a vehicle on city-owned property or on a right-of-way of a city highway for the purpose of repairing or servicing the vehicle, except pursuant to written agreement with the city or under circumstances where repair or service of the vehicle is necessitated by an unforeseeable emergency. [BC [6.02.325](#), amended by Ordinance No. 4258, 7/14/03]

#### **6.02.330 Use of Loading Zone.**

No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to loading zone are in effect. In no case when the hours applicable to loading zone are in effect shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

#### **6.02.340 Unattended Vehicles.**

No operator or person in charge of a motor vehicle shall park it or allow it to be parked unattended on a street, on premises open to the public or on a new or used car lot without first stopping the engine, turning the front wheels to the curb, if any, locking the ignition, removing the ignition key from the vehicle, and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

#### **6.02.350 Standing or Parking of Buses and Taxicabs.**

The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

#### **6.02.360 Restricted Use of Bus and Taxicab Stands.**

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

#### **6.02.370 Lights on Parked Vehicle.**

No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

#### **6.02.380 Exemption.**

The provisions of this ordinance regulating the parking or standing of vehicles shall not apply:

- A. To a vehicle of the City, county or state or public utility while necessarily in use for construction, repair or other work on a street,
- B. A vehicle owned by the United States while in use for the collection, transportation or delivery of mail, or
- C. Vehicles of disabled persons who comply with the provisions of the Oregon Vehicle Code.

### **BICYCLES**

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### **PEDESTRIANS**

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### **PARADES**

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### **TRAFFIC CITATIONS AND OWNER RESPONSIBILITY**

#### **6.02.700 Citation on Illegally Parked Vehicle.**

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge against the operator or pay the penalty imposed within seven calendar days during the hours and at a place specified in the citation.

#### **6.02.710 Failure to Comply with Traffic Citation Attached to Parked Vehicle.**

If the operator does not respond to a traffic citation affixed to a vehicle within a period of seven calendar days, the clerk of the municipal court may send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning the owner that in the event that the letter is disregarded for a period of ten calendar days, the bail amount set for the violation will be doubled and the car may be immobilized or towed.

#### **6.02.720 Owner Responsibility.**

Every person in whose name a vehicle is registered shall be responsible for any parking violation of the provisions of the Code. It shall be no defense that the vehicle was parked illegally by another unless proof is presented that said vehicle has been stolen and has not been returned to the registered owner by the date of the violation. The registered owner of a vehicle is not responsible for any parking violation if proof is presented that said vehicle has been sold prior to the date of the violation, and not re-registered in which case the purchaser shall be responsible. [BC [6.02.720](#), amended by Ordinance No. 3327, 7/19/83]

#### **6.02.730 Registered Owner Presumption.**

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

#### **6.02.740 Proof by Preponderance.**

Except as otherwise provided by the ORS provisions adopted in BC [6.02.020](#), proof of any violation of this chapter shall be by a preponderance of the evidence.

#### **6.02.750 Parking Enforcement Officers.**

The Mayor may authorize a person to issue parking citations on behalf of the city if the person agrees to enforce the city's ordinances and regulations relating to the parking of vehicles as a part of an organized program administered through the police department or the Mayor's office. Such a person shall be considered a parking enforcement officer and shall have full authority to assist in the enforcement of the city's ordinances and regulations relating to parking, including but not limited to the issuance of parking citations. [BC [6.02.750](#), added by Ordinance No. 3884, 2/14/94, amended by Ordinance 4258, 7/14/03]

### **IMMOBILIZATION AND PENALTIES**

#### **6.02.800 Repealed.**

[BC [6.02.800](#) repealed by Ordinance No. 4053(5), 8/3/99]

#### **6.02.805 Definitions.**

For the purposes of BC [6.02.805](#) through [6.02.855](#) the terms "vehicle" and "law enforcement officer" shall have the same meaning or definition given to them in BC [6.05.010](#).

#### **6.02.810 Rules and Regulations Authorized.**

The police chief shall recommend rules and regulations necessary to administer BC [6.02.805](#) through [6.02.855](#). The rules and regulations shall become effective when approved by the mayor and issued by the mayor as an administrative order. In appropriate cases, the effective date may be subsequent to the date of the issuance of the administrative order.

#### **6.02.815 Authority for Immobilization of Vehicle.**

If the registered owner shall fail to pay all outstanding penalties or to request a hearing within ten calendar days of the mailing of the delinquent parking citation notices provided for in BC [6.05.080](#) upon issuance of a municipal court order the owner's vehicle shall be immobilized by a law enforcement officer.

#### **6.02.820 Immobilization of Vehicle.**

A. Any law enforcement officer may temporarily immobilize the vehicle by installing on, or attaching to the vehicle, a device designed to restrict the normal movement of the vehicle. At the time the vehicle is immobilized, the law enforcement officer shall cause to be affixed to said vehicle a readily visible notification sticker. The sticker shall include the following information:

1. the date and time the sticker was affixed;
2. the identity of the law enforcement officer of the City who immobilized the vehicle;
3. a statement that the vehicle has been immobilized by the City for parking violations of this Code;
4. a statement that the vehicle may be released from immobilization at a designated place, by payment of the designated total of unpaid parking violations penalties plus an immobilization fee;
5. a statement that unless arrangements are made for the release of the vehicle within twenty-four hours, the vehicle will be towed and stored at the owner's expense and disposed of in accordance with BC [6.05.005](#) through [6.05.150](#);
6. a warning that removing or attempting to remove the device or moving the immobilized vehicle before a release is obtained is unlawful;
7. the address and telephone number and office hours where additional information may be obtained.

B. The parking restrictions otherwise applicable pursuant to Chapter Six shall not apply to any vehicle immobilized pursuant to this section.

#### **6.02.825 Immobilization Fee.**

Any vehicle immobilized pursuant to BC [6.02.820](#) shall be assessed the fee to cover the costs of immobilization and the fee is in addition to any penalty assessed pursuant to this Code. The immobilization fee shall be set by resolution of the Council.

#### **6.02.830 Release from Immobilization.**

No vehicle immobilized pursuant to BC [6.02.820](#) shall be released from the device until payment of the total of unpaid parking violation penalties owing, plus the immobilization fee assessed under BC [6.02.825](#) have been paid or a cash bond in an amount equal to the sum of the penalties and immobilization fee has been posted as directed by the police chief or the police chief's designee.

#### **6.02.835 Hearing.**

Any person desiring to contest an immobilization or towing may request a hearing. This shall not be a hearing on mitigating circumstances surrounding the issuance of a parking citation nor a hearing to contest the issuance of the parking citation. The request must be made in person or in writing not more than ten days after immobilization or towing.

#### **6.02.840 Towing of Immobilized Vehicle.**

A. If no one responds to the immobilization of a vehicle within 24 hours of the affixing of the immobilization device, the vehicle shall be towed and stored at the expense of the registered owner. The vehicle shall not be released until full payment of all parking penalties, immobilization fee, and towing and storage charges have been paid or a cash bond in an amount equal to the sum of the outstanding penalties, and immobilization fee has been posted with the City. [BC [6.02.840](#) A, amended by Ordinance No. 3322, 5/24/83]

B. The Council may by resolution, rule, agreement or contract set uniform towing and storage charges for immobilized vehicles that have been towed which shall be deemed reasonable for the purposes of this ordinance. [BC [6.02.840](#) B, added by Ordinance No. 3322, 5/24/83]

#### **6.02.845 Cash Bond Forfeiture.**

Any person posting a cash bond pursuant to BC [6.02.840](#) shall be deemed to have forfeited the cash bond to the City if no request for hearing is filed within ten calendar days following the date of the immobilization. Notice of the right of the City to forfeit the cash bond shall either be given in person to the party posting the bond or mailed to their last known address.

#### **6.02.850 Unlawful to Remove or Attempt to Remove an Immobilization Device or to Move Vehicle While Immobilized.**

No person shall remove or attempt to remove an immobilization device or move or attempt to move an immobilized vehicle without arranging with the City for the release of the vehicle under BC [6.02.830](#). Any removal or attempted removal of an immobilized vehicle prior to release of the immobilization device shall be a Class 1 Civil Infraction and shall be processed in accordance with the procedures set forth in BC [2.10.010](#) through [2.10.050](#). A person violating the provisions of this section shall be liable for any damage to the immobilization device and the immobilized vehicle.

#### **6.02.855 Failure to Appear.**

Any person posting a cash bond under BC [6.02.840](#) who fails to appear at a requested hearing shall be deemed to have waived the right to contest the immobilization or towing and shall be deemed to have forfeited the cash bond to the City, except where the owner shows good cause for failure to appear. Notice of the right of the City to forfeit the cash bond shall either be given in person to the party posting the bond or mailed to their last known address.

#### **6.02.890 Remedies Cumulative.**

Any impoundment or immobilization of a vehicle pursuant to this ordinance is in addition to, and not in lieu of, any other civil, criminal, or administrative penalty, sanction, or remedy otherwise authorized by law. [BC [6.02.890](#), added by Ordinance No. 4053(6), 8/3/99]

#### **6.02.900 Penalties.**

A. Violation of any provisions of BC [6.02.200](#) through [6.02.270](#) is punishable upon conviction by a fine not to exceed \$300.00.

B. Violation of any provision of BC [6.02.300](#) through [6.02.670](#) is punishable upon conviction by a fine not to exceed \$75.00.

C. A violation of a provision identical to a state statute is punishable by a fine not to exceed the penalty prescribed by the state statute. [BC [6.02.900](#), amended by Ordinance No. 4258, 7/14/03]

**Appendix B**  
**BC 6.05.001 to 6.05.150**

**VEHICLE IMPOUNDMENT**

**6.05.001 Vehicle Impoundment When Driving Uninsured.**

[BC [6.05.001](#), added by Ordinance No. 3888, 4/11/94; repealed by Ordinance No. 3888, 7/1/94]

**6.05.005 Short Title.**

BC [6.05.005](#) through [6.05.150](#) shall be known and may be cited as the “Vehicle Impoundment Ordinance” and may be referred to herein as “this ordinance”.

**6.05.010 Definitions.**

As used in this ordinance, the following mean:

Abandoned vehicle A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an abandoned vehicle under this definition if it remains upon any street for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self propulsion; or
2. Does not display a current registration plate or a current trip permit; or
3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located;

or

4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an abandoned vehicle under this definition if it remains upon any street for a period in excess of 24 hours and the trailer:

1. Does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or
3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Discarded vehicle – A vehicle that is inoperable or not currently licensed. For purposes of this definition a vehicle includes, but is not limited to, the major parts of the vehicle, such as the body, the engine, the transmission or the rear end.

Hazardous vehicle – A vehicle left in a location or in a condition that constitutes an immediate and continuous hazard to the health, safety or welfare of person or property. The term includes, but is not limited to, vehicles blocking fire hydrants, vehicles with leaking gas tanks, vehicles with an audible anti-theft alarm system that has sounded in excess of 20 minutes, vehicles located in violation of the Fire Prevention Code in effect within the City of Beaverton, vehicles blocking a public or private right-of-way, and vehicles occupying parking spaces designated for police parking only.

Law enforcement officer – A law enforcement officer of the City or other City employee authorized to enforce this ordinance.



**Motor vehicle** – A vehicle that is self propelled or designed for self propulsion.

**Owner** – A person with an individual or joint claim in or ownership of a legal or equitable interest in a vehicle.

**Private garage** – A private storage yard, garage or other storage place selected by the City.

**Public property** – Real property that is owned, leased, rented or lawfully used or operated by the state, a county, City or other governmental entity.

**Vehicle** – Any device in, upon, or by which any person or property is or may be transported or drawn upon a street, including vehicles that are propelled or powered by any means. [BC [6.05.010](#), amended by Ordinance No. 3278, 8/17/82; Ordinance No. 3302, 11/3/82; Ordinance No. 3427, 1/22/85; Ordinance No. 3539, 10/21/86; Ordinance No. 4053(7), 8/3/99; Ordinance No. 4223(2), 8/19/02]

#### **6.05.020 Abandoned Vehicles Prohibited.**

A. No abandoned vehicle shall be left upon:

1. A street, as defined in BC [6.02.030](#), or
2. Public property, as defined by BC [6.05.010](#), without the consent of the owner, occupant or any other person in lawful possession of the public property.

B. The owner of a vehicle, as shown by records of the Oregon Department of Transportation or records of a similar agency of another state or governmental jurisdiction, shall be considered responsible for the abandonment of a vehicle in the manner prohibited by this section, and shall be liable for the cost of its removal and disposition.

C. A vehicle abandoned in violation of this section is subject to the provisions for removal of abandoned vehicles under BC [6.05.025](#) or [6.05.030](#), and to being sold as provided under BC [2.05.030](#) or applicable state law, including ORS [819.210](#) or [819.220](#).

D. The City may use its personnel, equipment and facilities for removal and storage of the vehicle or may hire other personnel, equipment and facilities for that purpose. [BC [6.05.020](#), amended by Ordinance No. 3278, 8/17/82; Ordinance No. 3302, 11/3/82; Ordinance No. 3427, 1/22/85; Ordinance No. 4053(8), 8/3/99; Ordinance No. 4223(3), 8/19/02]

#### **6.05.025 Custody, Removal and Sale of Abandoned Vehicles.**

A. After providing notice required under BC [6.05.060](#) and, if requested, a hearing under BC [6.05.120](#) to 6.05.150, the City may take an abandoned vehicle into custody and remove the vehicle from the location where it has been left.

B. The authority to remove and take abandoned vehicles into custody provided by this section is in addition to any authority to remove and take vehicles into custody under BC [6.05.030](#).

C. Subject to BC [6.05.037](#), vehicles and the contents of vehicles removed and taken into custody under this section and BC [6.05.030](#) are subject to a lien, as provided under BC [6.05.040](#).

D. Vehicles removed and taken into custody under this section are subject to sale under BC [2.05.030](#), ORS [819.210](#) or [819.220](#), if the vehicle is not reclaimed, as provided under BC [6.05.037](#), or returned to the owner or person entitled to possession under BC [6.05.110](#). [BC [6.05.025](#), added by Ordinance No. 4223(4), 8/19/02]

### **Appendix B – Vehicle Impoundment Ordinance**



#### **6.05.030 Towing without Notice.**

A. A law enforcement officer may immediately cause a vehicle to be towed without prior notice if:

1. the vehicle is a hazardous vehicle; or
2. the vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle was available under the circumstances; or
3. the vehicle has been reported stolen; or
4. the vehicle bears license plates which are not issued to the vehicle according to the records of the Department of Motor Vehicles.
5. The vehicle has been involved in a fire and it is necessary to take the vehicle into custody immediately for further fire investigation.

B. The owner of the vehicle shall be responsible for the cost of towing and storing the vehicle.

#### **6.05.035 Remedies Cumulative.**

Any impoundment of a vehicle pursuant to this ordinance is in addition to, and not in lieu of, any other civil, criminal, or administrative penalty, sanction, or remedy otherwise authorized by law. [BC [6.05.035](#), added by Ordinance No. 4053(9), 8/3/99]

#### **6.05.037 Rights and Liabilities of Owners.**

The owner, a person entitled to possession or any person with an interest recorded on the title of a vehicle taken into custody under BC [6.05.020](#) or [6.05.030](#):

A. Is liable for all costs and expenses incurred in the removal, preservation and custody of the vehicle and its contents, except that:

1. The owner, a person entitled to the vehicle or any person with an interest recorded on the title is not liable for nor shall be required to pay storage charges for a period in excess of 20 days, unless the person has received a written notice as required under applicable state law, including ORS [819.160](#). In no case shall a person be required to pay storage charges for a storage period in excess of 60 days.

2. A security interest holder is not liable under this subsection, unless the security interest holder reclaims the vehicle.

B. May reclaim the vehicle at any time after it is taken into custody and before the vehicle is sold or disposed of under BC [2.05.030](#), ORS [819.210](#) or [819.220](#), upon presentation to the authority holding the vehicle of satisfactory proof of ownership or right to possession, and upon payment of costs and expenses for which the person is liable under this section.

C. If the vehicle is taken into custody under BC [6.05.020](#) or [6.05.030](#), has a right to request and have a hearing under BC [6.05.120](#) to 6.05.150.

D. If the vehicle is sold or disposed of under BC [2.05.030](#), ORS [819.210](#), [819.215](#) or [819.220](#), has no further right, title or claim to or interest in the vehicle or the contents of the vehicle;

E. If the vehicle is sold or disposed of under ORS [819.210](#), has a right to claim the balance of the proceeds from the sale or disposition, as provided under ORS [819.260](#).

F. Has no right to a hearing, if the vehicle is disposed of under ORS [819.215](#). [BC [6.05.037](#), added by Ordinance No. 4223(5), 8/19/02]

#### **6.05.040 Towing and Storage Liens.**

A. A person who, at the request of a law enforcement officer, takes a vehicle into custody under provisions of this ordinance shall have a lien on the vehicle and its contents as provided under state law including, but not limited to ORS [87.152](#) and ORS [819.160](#), for reasonable towing and storage charges and may retain possession of that vehicle consistent with this ordinance until such charges are paid or bond or some form of security is posted. Such lien shall attach and may be foreclosed as provided under state law. A lien described under this section does not attach to the contents of any vehicle taken into custody from public property until 15 days after taking the vehicle into custody. If the appraised value of the vehicle is \$750.00 or less, the vehicle shall be disposed of in the manner provided in the Oregon Vehicle Code.

B. If the vehicle is taken into custody under provisions of this ordinance and held by a law enforcement officer, rather than by a private garage, the vehicle shall be disposed of in the manner provided in the Oregon Vehicle Code. [BC [6.05.040](#), amended by Ordinance No. 4053(10), 8/3/99]

#### **6.05.050 Towing and Storage Fees.**

The Council may, by resolution, rule, agreement or contract set uniform towing and storage charges for abandoned vehicles that have been towed which shall be deemed reasonable for the purposes of this ordinance.

#### **6.05.060 Notice Prior to Removal.**

A. If the City proposes to take custody of a vehicle that an officer reasonably suspects is abandoned in violation of BC [6.05.020](#), the City shall affix a notice to the vehicle with the information required by subsection B of this section.

1. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody.

2. The 24 hour period under this section includes holidays, Saturdays and Sundays.

B. Notices affixed to a vehicle shall state all of the following:

1. That the vehicle will be subject to being taken into custody and removed by the City, if the vehicle is not removed before the time set by City.

2. The statute, ordinance or rule violated by the vehicle and under which the vehicle will be removed.

3. The place where the vehicle will be held in custody or the telephone number and address of the City official or department that will provide such information.

4. That the vehicle, if taken into custody and removed by the City, will be subject to towing and storage charges, and that a lien will attach to the vehicle and its contents.

5. That the vehicle will be sold to satisfy the costs of towing and storage, if the charges are not paid.

6. That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal, if a hearing is timely requested.

7. That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.

8. The time within which a hearing must be requested, and the method for requesting a hearing.

C. This section does not apply to vehicles listed in BC [6.05.030](#). [BC [6.05.060](#), amended by Ordinance No. 4053(11), 8/3/99; Ordinance No. 4223(6), 8/19/02]

#### **Appendix B – Vehicle Impoundment Ordinance**

#### **6.05.070 Hearing to Contest Validity of Removal and Custody.**

A person provided notice under BC [6.05.060](#), [6.05.080](#) or [6.05.090](#), or any other person who reasonably appears to have an interest in the vehicle, may request a hearing under this section to contest the validity of the removal and custody under BC [6.05.030](#) or the proposed removal and custody of a vehicle under BC [6.05.020](#), by submitting a request for hearing with the City not more than five days from the mailing date of the notice. The five day period in this section does not include holidays, Saturdays or Sundays. A hearing under this section shall comply with all of the following:

A. If the City proposes to remove a vehicle and receives a request for hearing before the vehicle is taken into custody and removed, the vehicle shall not be removed unless the vehicle constitutes a hazard.

B. A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.

C. Upon receipt of a request for a hearing under this section, the City shall set a time for, and conduct a hearing pursuant to BC [6.05.120](#) to 6.05.150. [BC [6.05.080](#), amended by Ordinance No. 4053(13), 8/3/99; Ordinance No. 4223(7), 8/19/02]

#### **6.05.080 Pretowing Notice When Four or More Citations Have Been Issued with Respect to a Vehicle.**

A. A vehicle may be towed or immobilized on order of the municipal court if:

1. it is a vehicle that has been used in the commission of at least four or more violations of City parking ordinances for which citations have been issued and have been outstanding for more than 30 days; and

2. the citation issued stated that the vehicle could be immobilized or towed if bail was not posted or a hearing scheduled; and

3. a delinquent parking citation notice was mailed to the registered or legal owner at least ten days prior to the towing or immobilization stating the following:

a. the license plate number, the citation numbers, the violation dates and the amount of bail due;

b. that the vehicle will be immobilized and towed and taken into custody by the City if the total bail is not paid within ten calendar days;

c. the statutes, ordinances or rules violated by the vehicle for which the citation is issued;

d. that if the vehicle is immobilized or towed, the place where the vehicle will be held in custody or the telephone number and address of the City department where information concerning the vehicle can be obtained;

e. that if the vehicle is immobilized an immobilization fee will be assessed for removal of the immobilization device in addition to any penalties assessed pursuant to the Code;

f. that the person who tows the vehicle pursuant to this ordinance at the request of a law enforcement officer shall have a lien on the vehicle and its contents for reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at a public auction to satisfy the lien;

g. that the owner of the vehicle is entitled to a hearing before the vehicle is immobilized or towed to contest the validity of the citations or proposed immobilization or towing if a hearing is timely requested;

h. that if the vehicle is towed, the owner of the vehicle is entitled to challenge the reasonableness of any towing and storage charges at a hearing;

#### **Appendix B – Vehicle Impoundment Ordinance**

i. that a hearing on the validity of the citations, proposed immobilization or towing must be requested in person at the court or in writing within ten calendar days of date of the notice and that the request must include the grounds upon which the owner believes the towing is invalid.

B. If the owner of the vehicle requests a hearing before the vehicle is taken into custody, the vehicle shall not be immobilized or towed until a hearing is set and held in accordance with BC [6.05.110](#) through [6.05.130](#).

C. The owner must request the hearing on the validity of the citations, proposed immobilization or towing within ten days of the date of the delinquent parking citation notice. The request must be made in writing or in person and shall state the grounds upon which the person requesting the hearing believes the citations and/or proposed immobilization or towing are invalid.

D. Failure to appear in person or to mail or deliver a written request for a hearing within ten calendar days after date of the delinquent parking citation notice shall act as a waiver of the right to contest the validity of the citations or the tow.

#### **6.05.090 Notice after Removal.**

A. If the City takes custody of a vehicle under BC [6.05.030](#), the City shall provide, by certified mail within 48 hours of the removal, written notice with an explanation of procedures available for obtaining a hearing, under BC [6.05.120](#) to 6.05.150, to the owners of the vehicle and any lessors or security interest holders, as shown in the records of the Department of Transportation.

1. The notice shall:

- a. state that the vehicle has been taken into custody;
- b. give the location of the vehicle; and
- c. describe procedures for:
  - (i) the release of the vehicle, and
  - (ii) obtaining a hearing under BC [6.05.120](#) to 6.05.150.

2. The 48 hour period under this subsection does not include holidays, Saturdays or Sundays.

B. After a vehicle is taken into custody and removed, any notice given under this section shall state all of the following:

1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle, and the statute, ordinance or rule under which the vehicle has been taken into custody and removed.

2. The location of the vehicle or the telephone number and address of the appropriate authority that will provide that information.

3. That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.

4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.

5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it, and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.

6. The time within which a hearing must be requested and the method for requesting a hearing.

#### **Appendix B – Vehicle Impoundment Ordinance**

7. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority. [BC [6.05.090](#), amended by Ordinance No. 4053(14), 8/3/99; Ordinance No. 4223(8), 8/19/02]

**6.05.100 Exemption from Notice and Hearing for Vehicle Held in Criminal Investigation.**

A vehicle that is being held as part of any criminal investigation is not subject to any requirements under BC [6.05.060](#) to 6.05.090 or BC [6.05.120](#) to 6.05.150. [BC [6.05.100](#), amended by Ordinance No. 4223(9), 8/19/02]

**6.05.110 Return of Vehicle to Owner.**

A. An owner whose vehicle has been towed pursuant to BC [6.05.020](#) or [6.05.030](#) and who has requested a hearing in accordance with this ordinance may recover immediate possession of the vehicle before the hearing by:

1. Presenting proof of ownership or right to possession; and
2. Either paying the towing and storage charges or posting a security deposit in the form of a bond or cash with the City for towing and storage charges that have accumulated as of the date of the request for the hearing.

B. The municipal judge is authorized to establish, by court order, a security deposit schedule. The municipal court is also authorized to require those owners requesting a hearing under BC [6.05.080](#) or BC [6.05.130](#) to certify that the owner will attend the hearing when a hearing date is scheduled.

C. The judge is authorized to increase security deposit amounts which must be posted before a vehicle is released prior to a hearing where the individual requesting the hearing has failed to appear in the past, is a nonresident of the state, or under other appropriate circumstances.

D. An owner whose vehicle was towed or immobilized pursuant to BC [6.05.080](#) or BC [6.02.805](#) through [6.02.855](#) may recover possession of the vehicle pursuant to BC [6.02.840](#). [BC [6.05.110](#), amended by Ordinance No. 4223(10), 8/19/02]

**6.05.120 Hearing.**

A. When a person requests a hearing pursuant to BC [6.05.037](#), the hearing shall be held before a judge of the Beaverton Municipal Court.

B. The hearing shall be set within three days of receipt of the request, holidays, Saturdays and Sundays not included. The City shall provide notice of the hearing, either in writing, by phone or in person to the person requesting the hearing and the registered and legal owners of the vehicle, if not the same as the person requesting the hearing.

C. Unless otherwise provided by this Code or City ordinance, at the hearing the owner or person entitled to possession may contest:

1. the validity of the action of the law enforcement officer in taking the vehicle into custody;
2. creation and amount of the lien attached to the vehicle.

D. The City shall have the burden of showing the validity of the taking of the vehicle. [BC [6.05.120](#), amended by Ordinance No. 4223(11), 8/19/02]

**6.05.130 Hearings on Towing and Storage Charges When Pretowing Notice Was Given.**

A. Whenever pretowing notice has been given pursuant to BC [6.05.060](#) through [6.05.070](#) and the owner fails to request a hearing within the stated time period, the owner may nevertheless request a hearing on the creation or amount of the lien.

B. The hearing on the creation or amount of the lien must be requested in person or in writing not more than 25 days after the vehicle was towed and shall state the grounds upon which the person believes the creation of the lien is invalid or the amount unreasonable.

C. The provisions of BC [6.05.120](#) B shall apply.

**6.05.140 Decision.**

If the municipal judge finds that custody and removal is:

A. Valid, the judge shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the person claiming the vehicle. If the vehicle has not yet been towed, the judge shall order it towed.

B. Invalid, the judge shall:

1. order the immediate release of the vehicle to the person claiming it;
2. order any immobilization, towing or storage costs already paid be refunded;
3. order the City to satisfy any immobilization, towing and storage charges the tower may require from the City;
4. order that the owner is not liable for immobilization, towing and storage charges occasioned by the taking. New storage costs will not start to accrue until more than 24 hours after the time the vehicle is officially released by the judge's order to the person claiming the vehicle.

C. The order of the judge shall be in writing.

D. The action of the municipal judge is final and no appeal can be taken from it.

**6.05.150 Failure to Appear.**

A. If the person who requested the hearing does not appear at the hearing, the judge may enter an order supporting the removal and assessment of immobilization, towing and storage costs and apply security posted against the costs.

B. A person who fails to appear at a hearing is not entitled to another hearing on the same matter unless the person provides a satisfactory reason to the judge for failure to appear.



## **Appendix C**

### **ORS 809.716 to 809.725**

**809.715 Impoundment of uninsured vehicle** [Formerly 806.014; 1997 c.514 §5; repealed by 2001 c.748 §2]

**809.716 Hearing on impoundment.** (1) A person entitled to lawful possession of a vehicle impounded under ORS 809.720 may request a hearing to contest the validity of the impoundment. A request must be made within five calendar days after the date that notice of the impoundment is mailed, as evidenced by the postmark, not including Saturdays, Sundays or holidays. The request shall be made to a person designated by the impounding police agency to receive such requests.

(2) When a timely request for a hearing is made, a hearing shall be held before a hearings officer designated by the impounding police agency. The hearing shall be set for four calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing.

(3) The impounding police agency shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of ORS 806.010, 807.010, 811.175, 811.182 or 813.010. The police officer who ordered the vehicle impounded may submit an affidavit to the hearings officer in lieu of making a personal appearance at the hearing.

(4) If the hearings officer finds that the impoundment of the vehicle was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs. The hearings officer may also find the owner or person entitled to possession of the vehicle liable for costs of the hearing.

(5) If the hearings officer finds that impoundment of the vehicle was improper, the hearings officer shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the hearings officer shall order it paid by the impounding police agency.

(6) A police agency may contract with another agency or entity to conduct hearings under this section. [Formerly 806.016; 1997 c.514 §4; 1999 c.1051 §284a; 2001 c.748 §3]

**809.720 Impoundment for specified offenses; grounds; notice; release.** (1) A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer. This subsection applies to the following offenses:

- (a) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.
- (b) Driving while under the influence of intoxicants in violation of ORS 813.010.
- (c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.

- (d) Driving uninsured in violation of ORS 806.010.

(2) Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 for notice after removal of a vehicle.

(3) A vehicle impounded under subsection (1) of this section shall be released to a person entitled to lawful possession upon compliance with the following:

(a) Submission of proof that a person with valid driving privileges will be operating the vehicle;

(b) Submission of proof of compliance with financial responsibility requirements for the vehicle; and

(c) Payment to the police agency of an administrative fee determined by the agency to be sufficient to recover its actual administrative costs for the impoundment.

(4) Notwithstanding subsection (3) of this section, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.

(5) When a person entitled to possession of the impounded vehicle has complied with the requirements of subsection (3) or (4) of this section, the impounding police agency shall authorize the person storing the vehicle to release it upon payment of any towing and storage costs.

(6) Notwithstanding subsection (3) of this section, the holder of a towing business certificate issued under ORS 822.205 may foreclose a lien created by ORS 87.152 for the towing and storage charges incurred in the impoundment of the vehicle, without payment of the administrative fee under subsection (3)(c) of this section.

(7) Nothing in this section or ORS 809.716 limits either the authority of a city or county to adopt ordinances dealing with impounding of uninsured vehicles or the contents of such ordinances except that cities and counties shall comply with the notice requirements of subsection (2) of this section and ORS 809.725.

(8) A police agency may not collect its fee under subsection (3)(c) of this section from a holder of a towing business certificate issued under ORS 822.205 unless the holder has first collected payment of any towing and storage charges associated with the impoundment. [1997 c.514 §2; 2001 c.748 §1]

**809.725 Notice following impoundment under city or county ordinance.** (1) When a motor vehicle is impounded under authority of a city or county ordinance, the city or county shall give notice of the impoundment to the owners of the motor vehicle and to any lessors or security interest holders as shown on the records of the Department of Transportation. The notice shall be given within 48 hours of impoundment.

(2) The notice required by subsection (1) of this section shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 for notice after removal of a vehicle. [1997 c.514 §3]



**Appendix D**  
**BC 6.05.200 to BC 6.05.240**

**VEHICLE INVENTORY ORDINANCE**

**6.05.200 Short Title.**

BC [6.05.200](#) to 6.05.235 shall be known and may be cited as the Vehicle Inventory Ordinance and may also be referred to as “this ordinance.” [BC 605.200 added by Ordinance No. 3951, 2/26/96]

**6.05.205 Definitions.**

For the purpose of this ordinance, the following mean:

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Personal property – Every kind of property except land, tenements and fixtures.

Valuable personal property – Any cash, check, money order or other financial instrument, in any amount; any earring, necklace, non-prescription glasses, ring, watch, bracelet or other similar item of jewelry, regardless of the item’s apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more.

Dangerous personal property – Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury.

Impounded vehicle – A vehicle seized from its owner or operator by or at the direction of the City or one of its employees, for a substantial period of time, under circumstances in which the City either must consent to its release or otherwise bears some responsibility for its protection, preservation or disposition.

For purposes of this ordinance, a vehicle shall not be considered an impounded vehicle if:

A. The vehicle is an abandoned vehicle as defined in BC [6.05.010](#); or

B. The City or one of its employees or agents facilitates the towing of a vehicle under the following circumstances:

1. The vehicle is towed by a person independent of the City to a place not under the authority or control of the City.

2. The vehicle may be returned to its operator or an owner of the vehicle without City authorization; and

3. The vehicle is towed either:

a. with the consent of its operator or an owner of the vehicle; or

b. at the direction of a person who:

(i) is not an owner or an operator of the vehicle; and

(ii) is not an employee or agent of the City; and

(iii) is an owner, tenant, occupant or person otherwise in lawful control of the property upon which the vehicle is located immediately prior to towing.

Closed container – A container the contents of which are not exposed to view.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes a vehicle that is propelled or powered by any means.

Owner – When referring to the owner of a vehicle, the person or persons in whose name or names title to a vehicle is issued, and who is or are entitled to possession and use of the vehicle. For purposes of this ordinance, a security interest holder or lessor of a vehicle is an owner of the vehicle. [BC [6.05.205](#) added by Ordinance No. 3951, 2/26/96; amended by Ordinance No. 4223(12), 8/19/02]

**6.05.210 Purpose.**

The inspection and inventory of the contents of impounded vehicles pursuant to this ordinance is intended to:

- A. Protect an owner's property while in custody of the City;
- B. Protect the City, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect City employees from potential danger. [BC [6.05.210](#) added by Ordinance No. 3951, 2/26/96]

**6.05.215 Duty to Inspect Impounded Vehicles.**

An officer shall inspect the exterior and interior of every lawfully impounded vehicle as provided in this ordinance. [BC [6.05.215](#) added by Ordinance No. 3951, 2/26/96]

**6.05.220 Timing of Inspection.**

The inspection of a lawfully impounded vehicle shall occur prior to the vehicle's removal from the place where it is seized, unless exigent circumstances reasonably require that the inspection be delayed. In such exigent circumstances, the inspection shall occur as soon as practicable after the exigency has passed. [BC [6.05.220](#) added by Ordinance No. 3951, 2/26/96]

**6.05.225 Manner of Inspection.**

The inspection of a lawfully impounded vehicle shall occur in the following manner:

- A. An officer shall examine the exterior of the vehicle to determine if there is any readily apparent body damage.
- B. An officer shall examine interior areas where personal property or dangerous items may reasonably be located. Interior areas shall include, but are not limited to:
  - 1. The passenger compartment, including the center console, dashboard, glove box, door pockets, seat pockets, ash tray, sun visor and the areas behind and under the seats and floor mats;
  - 2. An unlocked trunk;
  - 3. An uncovered hatchback;
  - 4. The open bed of a pickup truck; and
  - 5. The area within any attached canopy, camper or car-top container openly accessible from either inside or outside of the vehicle.
- C. An officer shall open and examine the following locked areas: glove box, trunk, center console, hatchback, canopy, camper, car-top container or similar area within or attached to a vehicle, if:
  - 1. There is an openly accessible unlocking mechanism provided within the vehicle;
  - 2. A key to the locked area will remain with the vehicle; or
  - 3. A key to the locked area will be taken or withheld from the possession of an owner or occupant of the vehicle.
- D. If the conditions set forth in subsection C of this section are not present, then the area shall remain locked and unopened.

- E. The contents of a closed container found within a vehicle shall not be opened unless:
1. The officer reasonably believes that the closed container contains valuable or dangerous personal property;
  2. An occupant of the vehicle wants to retain physical custody and control of the closed container; or
  3. Opening the closed container is otherwise lawful.
- F. Any objects found within an examined area or closed container that is opened for inspection pursuant to subsections B, C or E of this section, shall be scrutinized only to the extent necessary to complete an accurate inventory. [BC [6.05.225](#) added by Ordinance No. 3951, 2/26/96]

#### **6.05.230 Identification and Safekeeping of Property.**

As soon after the completion of an inspection of a lawfully impounded vehicle as is reasonably possible, an officer shall:

- A. Make a written list of any body damage to the vehicle's exterior that reasonably appears to the officer to be damaged in excess of \$500.
- B. Make a written list of all valuable and/or dangerous personal property found within the vehicle.
- C. Remove from the vehicle the valuable and/or dangerous property listed in conjunction with the inspection.
- D. Give to any occupant of the vehicle such property removed from the vehicle that the officer reasonably determines the occupant may rightfully possess, unless circumstances otherwise lawfully permit withholding the property from the person.
- E. Take reasonable steps to safeguard the remaining property removed from the vehicle, and that is not returned to an occupant.
- F. Note the disposition of all the valuable or dangerous personal property discovered during the inspection by recording who has physical custody of each item of valuable or dangerous personal property taken out of the vehicle.
- G. Secure the vehicle in a reasonably appropriate manner to reduce the opportunity for unauthorized entry. [BC [6.05.230](#) added by Ordinance No. 3951, 2/26/96]

#### **6.05.235 Distribution of Property Receipts.**

The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

- A. To the person in control of the vehicle. If that person is unknown or otherwise unavailable, the copy shall be left with the vehicle in a conspicuous place.
- B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS [133.455](#). [BC [6.05.235](#) added by Ordinance No. 3951, 2/26/96]

#### **6.05.240 Adoption of Administrative Policies or Procedures.**

The Beaverton Police department may adopt any necessary administrative procedures, rules or regulations to carry out this ordinance. [BC [6.05.240](#) added by Ordinance No. 3951, 2/26/96]